

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**SHAO-LUN LEE
1022 Whitebrick Drive
San Jose, CA 95129
Pharmacist License No. RPH 48518**

Case No. 5401

Respondents.

CORRECTED DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on April 20, 2017.

It is so ORDERED on March 21, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KATHLEEN A. KENEALY
Acting Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5401

11 **SHAO-LUN LEE**
12 **1022 Whitebrick Drive**
13 **San Jose, CA 95129**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Pharmacist License No. RPH 48518**

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

20
21 PARTIES

22 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
23 action solely in her official capacity and is represented by Kathleen A. Kenealy, Acting Attorney
24 General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

25 2. Respondent Shao-Lun Lee (Respondent) is represented in this proceeding by attorney
26 Dale N. Chen, whose address is: Law Offices of Dale N. Chen, 4655 Old Ironsides Drive, Suite
27 220 Santa Clara, CA 95054 (telephone (408) 562-1000).

28 ///

1 3. On or about March 7, 1996, the Board issued Pharmacist License No. RPH 48518 to
2 Shao-Lun Lee (Respondent). The License was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 5401, and will expire on December 31, 2017, unless renewed.

4
5 JURISDICTION

6 4. Accusation No. 5401 was filed before the Board, and is pending against Respondent.
7 The Accusation and all other statutorily required documents were properly served on Respondent
8 on February 23, 2016. Respondent timely filed his Notice of Defense contesting the Accusation.
9 A copy of Accusation No. 5401 is attached as exhibit A and incorporated herein by reference.

10
11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, discussed with counsel, and understands the charges
13 and allegations in Accusation No. 5401. Respondent has also carefully read, discussed with
14 counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
17 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23
24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 5401. Respondent agrees that his Pharmacist License is subject to discipline and he agrees to
27 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 48518, issued to Respondent Shao-Lun Lee (Respondent), is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
3 with the board or its designee, at such intervals and locations as are determined by the board or its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
6 the period of probation, shall be considered a violation of probation.

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

12 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
13 pharmacist as directed by the board or its designee.

14 **6. Status of License**

15 Respondent shall, at all times while on probation, maintain an active, current license with
16 the board, including any period during which suspension or probation is tolled. Failure to
17 maintain an active, current license shall be considered a violation of probation.

18 If respondent's license expires or is cancelled by operation of law or otherwise at any time
19 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
20 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
21 probation not previously satisfied.

22 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
23 **Designated Representative-in-Charge, or Serving as a Consultant**

24 During the period of probation, respondent shall not supervise any intern pharmacist, be the
25 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
26 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
27 unauthorized supervision responsibilities shall be considered a violation of probation.

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1 **8. Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 5401 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause his direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 5401, and terms and conditions imposed
10 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
11 submit timely acknowledgment(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
14 licensed by the board of the terms and conditions of the decision in case number 5401 in advance
15 of the respondent commencing work at each licensed entity. A record of this notification must be
16 provided to the board upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment
19 service, respondent shall cause his direct supervisor with the pharmacy employment service to
20 report to the board in writing acknowledging that he has read the decision in case number 5401
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
22 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

23 Failure to timely notify present or prospective employer(s) or to cause such employer(s) to
24 submit timely acknowledgments to the board shall be considered a violation of probation.

25 "Employment" within the meaning of this provision shall include any full-time,
26 part-time, temporary, relief or pharmacy management service as a pharmacist or any
27 position for which a pharmacist license is a requirement or criterion for employment,
28 whether the respondent is an employee, independent contractor or volunteer.

1 **9. Employment Requirements: Tolling of Probation**

2 Except during periods of suspension, respondent shall, at all times while on probation, be
3 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
4 Any month during which this minimum is not met shall toll the period of probation, i.e., the
5 period of probation shall be extended by one month for each month during which this minimum is
6 not met. During any such period of tolling of probation, respondent must nonetheless comply
7 with all terms and conditions of probation.

8 Should respondent, regardless of residency, for any reason (including vacation) cease
9 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
10 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
11 must further notify the board in writing within ten (10) days of the resumption of practice. Any
12 failure to provide such notification(s) shall be considered a violation of probation.

13 It is a violation of probation for respondent's probation to remain tolled pursuant to the
14 provisions of this condition for a total period, counting consecutive and non-consecutive months,
15 exceeding thirty-six (36) months.

16 "Cessation of practice" means any calendar month during which respondent is
17 not practicing for at least forty (40) hours as a pharmacist as defined by Business and
18 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
19 month during which respondent practices for at least forty (40) hours as a pharmacist
20 as defined by Business and Professions Code section 4000 et seq.

21 **10. Reimbursement of Board Costs**

22 As a condition precedent to successful completion of probation, respondent shall pay to the
23 board its costs of investigation and prosecution in the amount of \$2,195.00. Respondent shall be
24 permitted to pay these costs in a payment plan approved by the board or its designee, so long as
25 full payment is made within forty-two (42) months of the effective date of this decision. There is
26 to be no deviation from this schedule absent prior written approval by the board or its designee.
27 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.
28 The filing of bankruptcy shall not relieve respondent of his responsibility to reimburse the board.

1 **11. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 board each and every year of probation. Such costs shall be payable to the board on a schedule as
4 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
5 be considered a violation of probation.

6 **12. Notification of a Change in Employment, Name, Address, or Phone**

7 Respondent shall notify the board in writing within ten (10) days of any change of
8 employment. Said notification shall include the reasons for leaving, the address of the new
9 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
10 shall further notify the board in writing within ten (10) days of a change in name, residence
11 address, mailing address, or phone number. Failure to timely notify the board of any change in
12 employer, name, address, or phone number shall be considered a violation of probation.

13 **13. No Ownership of Licensed Premises**

14 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
15 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
16 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
17 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
18 days following the effective date of this decision and shall immediately thereafter provide written
19 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
20 documentation thereof shall be considered a violation of probation.

21 **14. Supervised Practice**

22 During the period of probation, respondent shall practice only under the supervision of a
23 licensed pharmacist not on probation with the Board. Upon the effective date of this decision,
24 respondent shall not practice pharmacy and his license shall be suspended until a supervisor is
25 approved by the Board or its designee. At the outset of probation, the practice supervisor shall
26 supervise respondent utilizing Daily Review – the supervisor shall review respondent's daily
27 activities within 24 hours. Thereafter, should a change in supervision be required, the Board or
28 its designee shall have the discretion to choose from the following supervision levels:

1 Continuous – At least 75% of a work week

2 Substantial - At least 50% of a work week

3 Partial – At least 25% of a work week

4 Within thirty (30) days of the effective date of this decision, respondent shall have his
5 approved supervisor submit notification to the Board in writing stating that the supervisor has
6 read the decision in case number 5401 and is familiar with the required level of supervision. It
7 shall be respondent's responsibility to ensure his supervisor submits a timely acknowledgment.
8 Failure to cause the supervisor to timely submit an acknowledgment to the Board shall be
9 considered a violation of probation. If respondent changes employment, it shall be respondent's
10 responsibility to secure approval for a new practice supervisor, and to have his new supervisor,
11 within fifteen (15) days after employment commences, submit notification to the Board in writing
12 stating that the supervisor has read the decision in case number 5401 and is familiar with the level
13 of supervision required. Respondent shall not practice pharmacy and his license is suspended
14 until the Board or its designee approves a new supervisor. Failure to cause the supervisor to
15 timely submit an acknowledgment to the Board shall be considered a violation of probation.

16 During any such suspension, respondent shall not enter any pharmacy area or any portion of
17 the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor
18 of drugs which is licensed by the Board, or any manufacturer, or any other place where dangerous
19 drugs or devices or controlled substances are stored. Respondent shall not practice pharmacy nor
20 do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing
21 or patient consultation; nor shall respondent manage, administer, or be a consultant to any
22 licensee of the board, or have access to or control the ordering, manufacturing or dispensing of
23 dangerous drugs or controlled substances. Respondent shall not engage in any activity that
24 requires the professional judgment of a pharmacist. Respondent shall not direct or control any
25 aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy
26 technician or a designated representative for any entity licensed by the board.

27 Failure to comply with any such suspension shall be considered a violation of probation.

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1 **15. Mental Health Examination**

2 Within thirty (30) days of the effective date of this decision, and on a periodic basis as
3 required by the board or its designee, respondent shall undergo, at his own expense, psychiatric
4 evaluation(s) by a board-appointed or board-approved licensed mental health practitioner. The
5 approved evaluator shall be provided with a copy of the board's Accusation and decision.
6 Respondent shall sign a release authorizing the evaluator to furnish the board with a current
7 diagnosis and a written report regarding the respondent's judgment and ability to function
8 independently as a pharmacist with safety to the public. Respondent shall comply with all the
9 recommendations of the evaluator if directed by the board or its designee.

10 If the evaluator recommends, and the board or its designee directs, respondent shall
11 undergo psychotherapy. Within thirty (30) days of notification by the board that a
12 recommendation for psychotherapy has been accepted, respondent shall submit to the board or its
13 designee, for prior approval, the name and qualification of a licensed mental health practitioner of
14 respondent's choice. Within thirty (30) days of approval thereof by the board, respondent shall
15 submit documentation to the board demonstrating the commencement of psychotherapy with the
16 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment
17 with the approved practitioner, respondent shall notify the board immediately and, within thirty
18 (30) days of ceasing treatment therewith, submit the name of a replacement licensed mental
19 health practitioner of respondent's choice to the board for its prior approval. Within thirty (30)
20 days of approval thereof, respondent shall submit documentation to the board demonstrating the
21 commencement of psychotherapy with the approved replacement. Failure to comply with any
22 requirement or deadline stated by this paragraph shall be considered a violation of probation.

23 Upon approval of the initial or any subsequent licensed mental health practitioner,
24 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,
25 until the therapist recommends in writing to the board, and the board or its designee agrees by
26 way of a written notification to respondent, that no further psychotherapy is necessary. Upon
27 receipt of such recommendation from the treating therapist, and before determining whether to
28 accept or reject said recommendation, the board or its designee may require respondent to

1 undergo, at respondent's expense, a mental health evaluation by a separate board-appointed or
2 board-approved evaluator. If the approved evaluator recommends that respondent continue
3 psychotherapy, the board or its designee may require respondent to continue psychotherapy.

4 Psychotherapy shall be at least once a week unless otherwise approved by the board.
5 Respondent shall provide the therapist with a copy of the accusation and decision no later than the
6 first therapy session. Respondent shall take all necessary steps to ensure that the treating therapist
7 submits written quarterly reports to the board concerning respondent's fitness to practice,
8 progress in treatment, and other such information as may be required by the board or its designee.

9 If at any time the approved evaluator or therapist determines that respondent is unable to
10 practice safely or independently as a pharmacist, the practitioner shall notify the board
11 immediately by telephone and follow up by written letter within three (3) working days. Upon
12 notification by the board or its designee of this determination, respondent shall be automatically
13 suspended and shall not resume practice until notified by the board that practice may be resumed.

14 During any such suspension, respondent shall not enter any pharmacy area or any portion of
15 the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor
16 of drugs which is licensed by the Board, or any manufacturer, or any other place where dangerous
17 drugs or devices or controlled substances are stored. Respondent shall not practice pharmacy nor
18 do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing
19 or patient consultation; nor shall respondent manage, administer, or be a consultant to any
20 licensee of the board, or have access to or control the ordering, manufacturing or dispensing of
21 dangerous drugs or controlled substances. Respondent shall not engage in any activity that
22 requires the professional judgment of a pharmacist. Respondent shall not direct or control any
23 aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy
24 technician or a designated representative for any entity licensed by the board.

25 Failure to comply with any such suspension shall be considered a violation of probation.

26 **16. Ethics Course**

27 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
28 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.

1 Failure to initiate the course during the first year of probation, and complete it within the second
2 year of probation, is a violation of probation.

3 Respondent shall submit a certificate of completion to the board or its designee within five
4 days after completing the course.

5 **17. Violation of Probation**

6 If respondent has not complied with any term or condition of probation, the board shall
7 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
8 all terms and conditions have been satisfied or the board has taken other action as deemed
9 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
10 to impose the penalty that was stayed. If respondent violates probation in any respect, the board,
11 after giving respondent notice and an opportunity to be heard, may revoke probation and carry out
12 the disciplinary order. If a petition to revoke probation or accusation is filed against respondent
13 during probation, the board shall have continuing jurisdiction and the period of probation shall be
14 automatically extended until the petition to revoke probation or accusation is heard and decided.

15 **18. License Surrender While on Probation/Suspension**

16 Following the effective date of this decision, should respondent cease practice due to
17 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
18 respondent may tender his license to the board for surrender. The board or its designee shall have
19 the discretion whether to grant the request for surrender or take any other action it deems
20 appropriate and reasonable.

21 Upon formal acceptance of the surrender of the license, respondent will no longer be
22 subject to the terms and conditions of probation. This surrender constitutes a record of discipline
23 and shall become a part of the respondent's license history with the board.

24 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to
25 the board within ten (10) days of notification by the board the surrender is accepted. Respondent
26 may not reapply for any license from the board for three (3) years from the effective date of the
27 surrender. Respondent shall meet all requirements applicable to the license sought as of the date
28 the application for that license is submitted to the board, including any outstanding costs.

19. **Completion of Probation**

Upon written notice by the board or its designee indicating successful completion of probation, respondent's license will be fully restored.

ACCEPTANCE

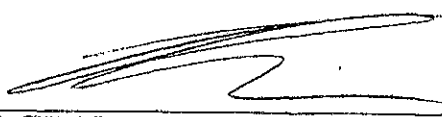
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Dale N. Chen. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 2/1/17


SHAO-LUN LEE
Respondent

I have read and fully discussed with Respondent Shao-Lun Lee the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/1/2017


DALE N. CHEN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 2/14/2017

Respectfully submitted,

KATHLEEN A. KENEALY
Acting Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General


JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5401

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
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9 **BOARD OF PHARMACY**
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12 In the Matter of the Accusation Against:

Case No. 5401

13 **SHAO-LUN LEE**
1022 Whitebrick Drive
San Jose, CA 95129

A C C U S A T I O N

14 **Pharmacist License No. RPH 48518**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about March 7, 1996, the Board of Pharmacy issued Pharmacist License
22 Number RPH 48518 to Shao-Lun Lee (Respondent). The Pharmacist License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on December 31,
24 2017, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300 of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . .

8. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation of the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 10. Respondent is subject to disciplinary action under Code section 4301, subsection (I),
4 in that he has been convicted of crimes substantially related to the qualifications, functions, and
5 duties of a licensee. The circumstances are as follows:

6 11. On or about April 9, 2015, in Santa Clara Superior Court case number C1372122,
7 Respondent was convicted of having violated California Penal Code section 415(2) (disturbing
8 the peace). The conviction was based on an incident which occurred on or about November 4,
9 2013, during which Respondent attacked his spouse, physically restrained her and threatened her
10 with a knife. Pursuant to his plea on April 9, 2015, Respondent was ordered to participate in
11 domestic violence counseling and was ordered to stay away from his spouse. Respondent was
12 sentenced on or about September 15, 2015. At that time, the court issued a three-year domestic
13 violence protective order in order to protect Respondent's spouse.

14
15 SECOND CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 12. Respondent is subject to disciplinary action under Code section 4301 in that he has
18 engaged in unprofessional conduct, as described above in paragraph 10.

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22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Pharmacy issue a decision:

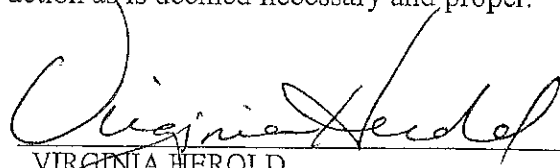
25 1. Revoking or suspending Pharmacist License Number RPH 48518, issued to Shao-Lun
26 Lee (Respondent);

27 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
28 enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as is deemed necessary and proper.

DATED:

1/22/16



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant